

ORIGINAL

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Attorney for Defendant James Troiano

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

FEB 23 2006

at 1 o'clock and 00 min. PM
SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

| | | |
|---------------------------|---|--------------------------|
| UNITED STATES OF AMERICA, |) | CR. NO. 05-00261 HG |
| |) | |
| Plaintiff, |) | NOTICE OF MOTION; MOTION |
| |) | FOR SEVERANCE OF |
| vs. |) | DEFENDANTS; MEMORANDUM |
| |) | OF LAW IN SUPPORT OF |
| JAMES TROIANO, |) | MOTION; CERTIFICATE OF |
| |) | SERVICE |
| Defendant. |) | |
| |) | |
| |) | Date: March 17, 2006 |
| |) | Time: 8:30 a.m. |
| |) | Judge: HELEN GILLMOR |
| |) | |

NOTICE OF MOTION

TO: CLAIRE CONNORS
Assistant United States Attorney
Room 6100, PJKK Federal Building
300 Ala Moana Blvd.
Honolulu, Hawaii 96850

PLEASE TAKE NOTICE that the following motion will be heard before the Honorable Judge Helen Gillmor in her courtroom in the United States Courthouse, 300 Ala Moana Boulevard, on March 17, 2006 at 9:00 a.m.

DATED: Honolulu, Hawaii February 23, 2006.

A handwritten signature in black ink, appearing to read 'T. Eddins', is written over a horizontal line.

TODD EDDINS
Attorney for Defendant James Troiano

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

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|---------------------------|---|-------------------------|
| UNITED STATES OF AMERICA, |) | CR. NO. 05-00261 HG |
| |) | |
| Plaintiff, |) | MOTION FOR SEVERANCE OF |
| |) | DEFENDANTS |
| vs. |) | |
| |) | |
| JAMES TROIANO, |) | |
| |) | |
| Defendant. |) | |
| |) | |
| |) | |
| |) | |

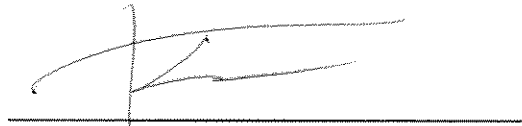
MOTION FOR SEVERANCE OF DEFENDANTS

Defendant No. 01 JAMES TROIANO (Troiano), by and through his counsel, Todd Eddins, hereby moves this Honorable Court for an order severing his case from Defendant No. 02 Wendell Toki's (Toki) case because the defendants are inappropriate for joinder pursuant to FRCP Rule 14, as well as the applicable case law with respect to the dictates of Bruton v. United States, 391 U.S. 123 (1968), and

its progeny.

This motion is based on Federal Rules of Criminal Procedure Rules 8, 14 and 47, the Sixth Amendment to the United States Constitution, the attached Memorandum of Law in Support of Motion, and any evidence or argument by counsel at the hearing on the motion.

DATED: Honolulu, Hawaii: February 23, 2006

A handwritten signature in black ink, appearing to be 'T. Eddins', is written over a horizontal line.

Todd Eddins
Attorney for Defendant James Troiano